

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRADFORD W. MAYNARD,

Plaintiff,

-against-

JOSEPH POWELL,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10/23/2020

17-CV-2586 (NSR)

ORDER OF DISMISSAL

NELSON S. ROMÁN, United States District Judge:

Plaintiff Bradford W. Maynard, proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983 on April 11, 2017, alleging violations of his constitutional rights by Defendant Joseph Powell. (ECF No. 2.) On May 10, 2017, the Court issued an Order of Service. (ECF No. 6). A summons was issued on May 15, 2017, and on July 10, 2017, the summons was returned executed by the United States Marshals. Plaintiff informed the Court of a change of address on two occasions: May 15, 2017 (ECF No. 7) and August 9, 2017 (ECF No. 9), but has taken no further action since August 9, 2017. To date, Defendant has not filed an answer.

On March 10, 2020 the Court issued an Order to Show Cause (“OSC”) why this action should not be dismissed for want of prosecution. (ECF No. 10.) In the OSC, the Court delineated Plaintiff’s failure to prosecute his claims, including that Plaintiff has taken no action in this case for over two years. (*Id.*) Specifically, Plaintiff has failed to update the Court as to any additional changes of address, including the fact that he was released from custody. (*Id.*) Plaintiff was granted until April 9, 2020, to demonstrate to the Court that he had not abandoned his claims and was taking diligent steps to prosecute them. (*Id.*) Plaintiff has failed to communicate with the Court or otherwise respond to the OSC. Accordingly, due to Plaintiff’s failure to prosecute this action,

the action is dismissed pursuant to Fed R. Civ. P. 41(b).

The Clerk of Court is respectfully directed to terminate this action and to mail a copy of this Order to Plaintiff at the address listed on the Docket.

Dated: October 23, 2020
White Plains, New York

SO ORDERED:

A handwritten signature in dark ink, appearing to read "Nelson S. Román", is written over a light blue rectangular background.

NELSON S. ROMÁN
United States District Judge